

VERSION WITH MARKINGS TO SHOW CHANGES MADE

3. (Once Amended) The method of claim 1 wherein said work material is [an aqueous] a liquid solution.

6. (Twice Amended) The method of claim 4 wherein said [treating agent is a] thiosulfate is selected from the group consisting of calcium thiosulfate, potassium thiosulfate, sodium thiosulfate and ammonium thiosulfate.

7. (Once Amended) The method of claim 6 wherein said [treating agent] thiosulfate is calcium thiosulfate.

8. (Once Amended) The method of claim 7 wherein said [work material] liquid is water.

## REMARKS

Reconsideration of this application, as amended, is courteously solicited.

The Applicant, through his attorney of record, hereby requests continued examination of the above-identified pending patent application. The application is a utility patent application filed on February 23, 2000, or in other words after June 8, 1995, and is under final rejection by Office Action dated March 6, 2002. A Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences has been filed. The subject patent application is still pending.

Enclosed with this request for continued examination (RCE) are the following:

1. The proper RCE fee under 37 CFR § 1.17 (e); and
2. A submission as required by 37 CFR § 1.114 in the form of  
a Preliminary Amendment.

It is specifically requested that the applicant's Amendment after final rejection filed on September 6, 2002 be entered and the enclosed Preliminary Amendment be filed in the order received. Both the Amendment after final rejection and the enclosed Preliminary Amendment individually meet the submission requirement under 37 CFR § 1.111.

### THE TELEPHONE INTERVIEW OF FEBRUARY 11, 2003

A telephone interview in this case was held between the Examiner, Betsey M. Hoey, and the applicant's attorney, Rodney K. Worrel, on February 11, 2003.

During the course of the telephone interview, the applicant's attorney requested that the Examiner enter the Amendment after final rejection dated September 6, 2002 and respond on the merits thereof withdrawing the final rejection, for the reasons stated therein; considering the Declaration Under 37 C.F.R. § 1.132 of Donald D. Holbrook of Exhibit B thereto; withdrawing the rejection of all claims rejected on the basis of the Richey et al. reference for the reasons stated therein; and acting upon the allowability of the pending claims. The Examiner declined to do so and declined to issue an advisory action so stating.

Even though the Examiner declined to do so, or to state the reason or reasons for declining to do so, the applicant wishes to thank Examiner Hoey for her courtesy and cooperation during the course of the telephone interview.

#### THE OFFICE ACTION OF MARCH 6, 2002

First, it is specifically noted that claims 7, 8 and 9, were not rejected in the prior Office Action of October 22, 2001 on any substantive basis, that is, they were not rejected on the basis of any prior art or other ground. However, claims 7, 8 and 9 were rejected in the Office Action of March 6, 2002. Accordingly this is the first opportunity the applicant has had to respond to the rejection of these claims on a substantive basis.

Second, it is also specifically noted that claims 3, 4, 7 through 11 and 13 through 15 were rejected in the Office Action of March 6, 2002 only on the basis of the Richey et al. reference. Since, as believed to be established in the Amendment of September 6, 2002, the Richey et al. reference is not in any respect prior art to the subject patent application, or otherwise relevant in this case, it is believed that at least these claims, that is, claims 3, 4, 7 through 11 and 13 through 15, are clearly allowable.

Third, only claims 1, 2 and 6 were rejected in the subject Office Action on the basis of other references (the patents to Wickramanayake and Hagen et al.) which are in the Amendment of September 6, 2002 distinguished as to the question of patentability under either 35 U.S.C. § 102 or 35 U.S.C. § 103. Accordingly, it is believed these claims, that is, claims 1, 2 and 6, are allowable as well.

Fourth, claim 11 was, for the first time, rejected in the Office Action of March 6, 2002 on the basis of the Richey et al. reference together with the Wickramanayake et al. patent and ordinary skill in the art. Favorable action thereon is respectfully requested in view of the action taken in the Amendment of September 6, 2002 and the distinctions discussed therein at length.

Fifth, the Office Action of March 6, 2002 still does not indicate whether or not the drawing has been accepted in this case. Clarification as to this issue is again respectfully requested.

Attached to the Amendment of September 6, 2002 and made a part thereof as "EXHIBIT B" is the Declaration Under 37 C.F.R. § 1.132 of Donald D. Holbrook. As set forth in the Declaration, Donald D. Holbrook is the sole inventor in this case and President of Ag Formulators, Inc., the assignee of all of his rights in the subject invention and the subject patent application as set forth in the Assignment Of Invention dated February 23, 2000 duly recorded in the United States Patent and Trademark Office.

The Declaration of Exhibit B establishes, among other matters, that the Richey et al. reference in this case is not prior art to the subject invention and patent application nor is anything stated in the Richey et al. reference relevant to any issue in this case. The Declaration confirms, as the Examiner has noted, that the Richey et al. reference was not published until long after the filing of the subject patent application and therefore is not prior art. The Declaration further confirms that any date stated in Richey et al. was only in regard to testing or other irrelevant matters not of any relevance to the subject patent application. The Declaration confirms that the filing date of the subject patent application is earlier than one year after any date upon which any action took place relative to the subject invention which could have any bearing in this case.

Claims 3, 6, 7 and 8 have been amended in the Preliminary Amendment to place them in better form for allowance.

It is respectfully submitted that all of the pending claims are clearly allowable over the prior art for the reasons set forth in the Amendment of September 6, 2002 and this Preliminary Amendment.

In view of the foregoing, this application is believed to be in condition for allowance.

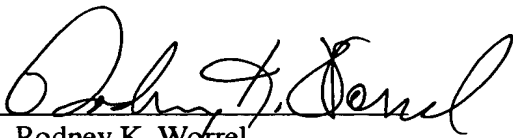
Therefore, prompt Notice of Allowance of the subject application, including claims 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14 and 15.

The applicant, through his attorney of record, authorizes the Examiner to telephone the attorney collect in the event a telephone discussion could be helpful to the prosecution of this patent application.

Respectfully submitted,

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